

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-CR-255

vs.

Hon. Paul L. Maloney
Chief U.S. District Judge

GUILLERMO SAMANO-PADILLA, et al.,

Defendants,

JENNY GAMINO,

Petitioner.

_____/

**SETTLEMENT AGREEMENT REGARDING
REAL PROPERTY 73052 24th AVENUE, SOUTH HAVEN, MICHIGAN**

WHEREAS, pursuant to their plea agreements and plea hearings, the Defendants consented to the forfeiture of their interests in certain property identified in the Forfeiture Allegation of the First Superseding Indictment, to include the following real property (hereinafter the "Subject Property"):

- h. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 73052 24th Avenue, South Haven, Michigan, South Haven Charter Township, County of Van Buren, more particularly described as:

The East 15 acres of the Southwest Quarter of Section 35,
Town 1 South, Range 17 West.

P.P. #80-17-085-014-00.

Titled owners of property: Graciano Gamino and Jenny Gamino.

WHEREAS, on or about April 13, 2009, this Court entered a Preliminary Order of Forfeiture (the "Preliminary Order") regarding, *inter alia*, the Subject Property, upon finding that the

Defendants had an interest in the Subject Property and that the government had established the requisite nexus between the Subject Property and the Defendants' criminal conduct;

WHEREAS, following the entry of the Preliminary Order, on or about June 8, 2009, Petitioner Jenny Gamino (hereinafter the "Petitioner") filed a Petition to Adjudicate Interest in the Subject Property, in which she claimed an interest in the Subject Property by Personal Representative's Deed dated April 29th, 2003;

WHEREAS, the government, with the cooperation of Petitioner, has fully and fairly evaluated Petitioner's claim of interest in the Subject Property; and

WHEREAS, the parties to this Agreement, in the interest of fully resolving the Petitioner's present claim of interest, and any claim which may in the future exist, regarding the Subject Property, wish to settle any and all such claims.

IT IS HEREBY STIPULATED that Plaintiff United States of America, by and through Heath M. Lynch, Special Assistant United States Attorney, and Petitioner, by and through her attorney, Joseph R. Lopez, consent to settle any and all of their existing and/or potential claims to the Subject Property pursuant to the following terms:

1. The parties acknowledge that Petitioner has asserted a claim of ownership to the Subject Property as the holder of a Personal Representative's Deed regarding the Subject Property. Graciano Gamino, Petitioner's former husband, is a co-holder of the Personal Representative's Deed.

2. The parties further acknowledge that, pursuant to a Settlement Agreement dated March 6, 2008, and a Final Decree of Dissolution of Marriage dated September 15, 2008, the Commonwealth of Kentucky Circuit Court, Family Court Division, awarded Petitioner sole ownership of the Subject Property and all attendant rights thereto.

3. The United States agrees to release the *Lis Pendens* filed with the Van Buren County Register of Deeds on the Subject Property and otherwise to cease forfeiture proceedings regarding the Subject Property upon: (1) the entry by the Court of a final order of forfeiture in the criminal action which gave rise to this forfeiture; and (2) the receipt of \$1,000 certified funds from Petitioner. Petitioner agrees to send \$1,000 certified funds, made payable to the United States Marshals Service, to Special Assistant United States Attorney, Heath M. Lynch, United States Attorney's Office, P.O. Box 208, Grand Rapids, Michigan 49501-0208.

4. Petitioner agrees to release and hold harmless Plaintiff United States, and any agents, servants, and employees of the United States, including without limitation the United States Attorney's Office for the Western District of Michigan and the Drug Enforcement Administration (and any involved state or local law enforcement agencies and their agents, servants, or employees), in their individual or official capacities, from any and all claims, demands, damages, causes of action or suits of whatever kind and description, and wheresoever situated, that might now exist or hereafter exist by reason of any action by Plaintiff against or relating to the Subject Property.


5. Petitioner understands and agrees that this Agreement shall be in full settlement and satisfaction of her claim to the Subject Property and of all potential claims resulting from the incidents or circumstances giving rise to this forfeiture action. Petitioner waives any right to litigate further her interest in the Subject Property in any forum, State or Federal. Petitioner further understands and agrees that, provided this Agreement is approved by the Court, Petitioner shall be excused and relieved from further participation in this action, unless specifically directed by order of the Court.

6. The parties understand and agree that this Agreement has been entered into by all parties freely, knowingly, and voluntarily, and it incorporates the complete understanding between the parties. No other promises have been made, nor may any additional agreements, understandings or conditions be entered into, unless in a writing signed by all parties or on the record in open court.

Respectfully submitted,

DONALD A. DAVIS
United States Attorney

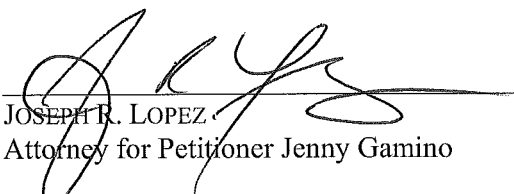
M7
Dated: April 3, 2010


HEATH M. LYNCH
Special Assistant United States Attorney

Dated: April 21, 2010


JENNY GAMINO
Petitioner

Dated: April 21, 2010


JOSEPH R. LOPEZ
Attorney for Petitioner Jenny Gamino

The Court APPROVES the settlement agreement.

IT IS SO ORDERED.

Date: May 11, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge